

## 2004 SESSION

## HOUSE SUBSTITUTE

043082820

### HOUSE BILL NO. 1172

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee  
on March 13, 2004)

(Patron Prior to Substitute—Delegate Kilgore)

*A BILL to amend and reenact § 17.1-278 of the Code of Virginia, relating to additional fees in certain courts; use by the Virginia State Bar.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 17.1-278 of the Code of Virginia is amended and reenacted as follows:**

§ 17.1-278. Additional fees in certain courts; use by Virginia State Bar.

In addition to the fees prescribed by §§ 16.1-69.48:2 and 17.1-275 A 13 and to be collected by the clerk of the circuit or general district court upon the filing of papers for the commencement of civil actions in such courts, the following additional fees shall be collected in all cities and counties in which civil legal representation is provided for the poor, without charge, by a nonprofit legal aid program organized under the auspices of the Virginia State Bar: (i) upon commencement of an action whether at law or in chancery in such circuit court, an additional fee of ~~four dollars~~ \$5 and (ii) upon commencement of a civil action in such general district court, an additional fee of ~~four dollars~~ \$5.

The additional fees prescribed by this action shall be collected by the clerk at the time of the filing. The amounts so collected shall be paid by the clerk to the state treasury and credited as follows: (i) ~~three dollars~~ \$4 to a special fund within the Virginia State Bar fund to be designated the Legal Aid Services Fund, and (ii) one dollar to the general fund for funding of the district courts of the Commonwealth. Such amount for the district courts shall be used to assist indigent litigants. Such amounts credited to the Legal Aid Services Fund shall be disbursed by the Virginia State Bar by check from the State Treasurer upon a warrant of the Comptroller to nonprofit legal aid programs organized under the auspices of the Virginia State Bar through the Legal Services Corporation of Virginia to assist in defraying the costs of such programs. However, the additional fees prescribed by this section shall not be collected in actions initiated by any local government or by the Commonwealth.

**2. That the provisions of this act shall only become effective if the general appropriation act for the period July 1, 2004, through June 30, 2006, passed during the 2004 Session of the General Assembly and signed into law by the Governor, includes an appropriation of general funds for a total of 49 additional positions allocated amongst the general district courts, juvenile and domestic relations district courts, and combined district courts, such additional positions being in addition to the total positions for such courts as of June 30, 2004; and if such appropriation is included as provided herein, then the provisions of this act shall expire on July 1, 2006.**

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